

Appl. No. 09/802,978
Amdt. dated November 14, 2003
Reply to Office Action of August 15, 2003

Docket No. K-0264

REMARKS

Claims 1-20 are currently pending the above-referenced patent application. Claims 1, 3, and 6 are amended by way of the present Amendment. Claims 11-20 are newly added by way of the present Amendment. **In the Office Action:** Claims 1-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lim (U.S. Patent No. 6,349,224).

In response to the rejection of claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by Lim, the Applicants respectfully request reconsideration. These claims recite carrying out data service between a first mobile station and a second mobile station through a data traffic path. The data traffic path travels through a mobile switching center (MSC) only once. The MSC services both the first mobile station and the second mobile station.

Lim relates to a method for making mobile-to-mobile wireless data communication. However, unlike the recitations of claims 1-5, there is no disclosure of a data traffic path that travels through the MSC only once and that the MSC services both the first mobile station and the second mobile station. This is evident and apparent by inspection of Figure 1, which illustrates MSC 14a servicing data terminal TE1 and mobile terminal MT1, while MSC 14b services data terminal TE2 and mobile terminal MT2. Data terminals TE1 and TE2 and mobile terminals MT1 and MT2 are referred to in the description of Figure 4 in columns 4 and 5 of Lim. Accordingly, a *prima facie* case of anticipation has not been established in the rejection of claims 1-5 under 35 U.S.C. § 102(e).

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In response to the rejection of claims 6-10 under 35 U.S.C. § 102(e) as being anticipated by Lim, the Applicants respectfully request reconsideration. These claims recite a MSC for connecting a data traffic path between a destination mobile station and an origination mobile station. The data traffic path travels through the MSC only once. The MSC services both the destination mobile station and the origination mobile station.

Lim has been discussed above. For similar reasons, as discussed above, Lim does not disclose a data traffic path that travels through the MSC only once and a MSC that services both a destination mobile station and an origination mobile station. At least for this reason, a *prima facie* case of anticipation has not been established in the rejection of claims 6-10 under 35 U.S.C. § 102(e).

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel H. Sherr at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Daniel H. Sherr
Registration No. 46,425

P.O. Box 221200
Chantilly, VA 20153-1200
703 502-9440 DYK/DHS:tljw
Date: November 14, 2003

Please direct all correspondence to Customer Number 34610